

PROB 12C  
(7/93)Report Date: August 27, 2012  
FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**United States District Court**

for the

**Eastern District of Washington**

AUG 28 2012

JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Jose Benito Ortiz-Diaz

Case Number: 2:11CR06006-001

Address of Offender: Unknown

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 5/24/2011

Original Offense: Alien in United States After Deportation, 8 U.S.C. § 1326(b)(1)

Original Sentence: Prison - 18 Months;  
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alexander Carl Ekstrom

Date Supervision Commenced: 4/13/2012

Defense Attorney: Alison Klare Guernsey

Date Supervision Expires: 4/12/2015

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**PETITIONING THE COURT****To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance

- 1      **Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

**Supporting Evidence:** The defendant is considered in violation of his period of supervised release by possessing drug paraphernalia in Pasco, Washington, on or prior to August 16, 2012.

On August 16, 2012, officers with the Pasco Police Department contacted the defendant. During this contact the defendant was asked for his name. The defendant provided his true name and officers verified he had an outstanding Department of Corrections warrant. During the search of the defendant officers located a glass smoking pipe in his pocket. The defendant was transported to the Franklin County Jail and charged with being in possession of drug paraphernalia under case number PPD-1231747.

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**Special Condition # 1:** You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.

**Supporting Evidence:** The defendant is considered in violation of his period of supervised release by returning to the United States on or prior to August 16, 2012.

As noted above, the defendant was contacted by officers with the Pasco Police Department on August 16, 2012. During this contact the defendant stated to officers he was going to go to Federal Prison for 5 years. Officers noted the defendant stated he had just got out of prison and was taken to Mexico after his release. He said he is here in the U.S. illegally and will now do federal time for it.

On August 21, 2012, Immigration and Customs Enforcement (ICE) took custody of the defendant and moved him to the Benton County Jail. He remains at the Benton County Jail at this time.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/27/2012

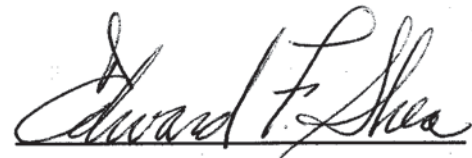
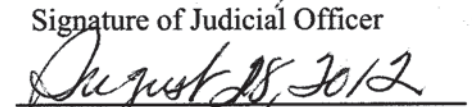
s/David L. McCary

David L. McCary  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

  
Signature of Judicial Officer  
  
Date